

AMENDED IN SENATE MAY 9, 2000

**SENATE BILL**

**No. 1563**

**Introduced by Senator Leslie**

February 18, 2000

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~~An act to amend Sections 8741, 8742, 8762, 8765 and 8773.2~~  
*An act to amend Sections 8741, 8761, 8762, 8771, and 8773.2 of*  
the Business and Professions Code, and to amend Section  
66466 of the Government Code, relating to land surveyors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1563, as amended, Leslie. Real property.

(1) Existing law, with respect to licensure under the Professional Land Surveyors' Act, authorizes the Board of Professional Engineers and Land Surveyors to prescribe by regulation reasonable educational or experience requirements but not to exceed 2 years of postsecondary education in land surveying for admission to the first division of the licensure examination.

This bill would require the board to prescribe by regulation reasonable educational or experience requirements to include 2 years of postsecondary education in land surveying or 2 years experience in land surveying for admission to the first division of the examination.

~~Existing law prescribes certain educational qualifications and experience in land surveying for a applicant for the 2nd division examination, as specified, to include actual broad based progressive experience in land surveying for at least 6 years, as specified.~~

~~This bill would increase that experience requirement to 8 years.~~

(2) Existing law requires every map or plat issued by a licensed land surveyor or registered civil engineer to show the bearing and length of lines, scale of map and north arrow, the name and legal designation of the property depicted, and the date or time period of the preparation of the map or plat.

*This bill would delete the requirement that these items be included on each map or plat issued by a licensed land surveyor or registered civil engineer.*

(3) Existing law requires the perpetuation by specified means of the location of monuments that control the location of boundaries and improvements or that provide survey control when a highway, right-of-way, or easement is improved, constructed, reconstructed, or relocated.

*This bill would specify that this requirement applies only if the monument could be destroyed, damaged, covered, or otherwise obliterated as a result of these activities.*

(4) Existing law provides for the filing ~~with the county surveyor or civil engineer~~ of a record of survey, after the making of a field survey, ~~of a record of the survey, to~~ with the county surveyor; and the record of survey to thereafter be filed with the county recorder.

This bill would require the county recorder to provide the preparer of the map with the filing data within 10 days of the filing. The bill would require the county surveyor to provide the preparer of a corner record with applicable filing data within 10 days of a final filing. The bill would also make certain clarifying changes in the act, and conforming changes in provisions of the Subdivision Map Act, as specified. The bill would impose a state-mandated local program because it requires local officials to provide a higher level of service.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8741 of the Business and Professions Code is amended to read:

8741. (a) The first division of the examination shall test the applicant's fundamental knowledge of surveying, mathematics, and basic science. The board shall prescribe by regulation reasonable educational or experience requirements including two years of postsecondary education in land surveying or two years of experience in land surveying for admission to the first division of the examination. Applicants who have passed the engineer-in-training examination, or who hold professional engineer registration, are exempt from this division of the examination.

The second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in professional practice of land surveying.

(b) The applicant for the second division examination shall have successfully passed the first division examination, or shall be exempt therefrom. The applicant shall be thoroughly familiar with (1) the procedure and rules governing the survey of public lands as set forth in "Manual of Surveying Instructions," published by the Bureau of Land Management, Department of the Interior, Washington, D.C. and (2) the principles of real property relating to boundaries and conveyancing.

(c) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of Section 8742.

(d) The board may by rule provide for a waiver of the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications are equal to, and whose experience qualifications substantially exceed, those qualifications established under subdivision (c). The special examination may be either written or oral, or a combination of both.

1     ~~SEC. 2. Section 8742 of the Business and Professions~~  
2     ~~Code is amended to read:~~

3     ~~8742. (a) The educational qualifications and~~  
4     ~~experience in land surveying, which an applicant for the~~  
5     ~~second division examination shall possess, shall not be less~~  
6     ~~than one of the following prescribed criteria:~~

7     ~~(1) Graduation from a four-year curriculum with an~~  
8     ~~emphasis in land surveying approved by the board or~~  
9     ~~accredited by a national or regional accrediting agency~~  
10    ~~recognized by the United States Office of Education at a~~  
11    ~~postsecondary educational institution and two years of~~  
12    ~~actual broad based progressive experience in land~~  
13    ~~surveying, including one year of responsible field training~~  
14    ~~and one year of responsible office training, satisfactory to~~  
15    ~~the board.~~

16    ~~(2) Actual broad based progressive experience in land~~  
17    ~~surveying for at least eight years, including one year of~~  
18    ~~responsible field training and one year of responsible~~  
19    ~~office training, satisfactory to the board.~~

20    ~~(3) Registration as a civil engineer with two years of~~  
21    ~~actual broad based progressive experience in land~~  
22    ~~surveying satisfactory to the board.~~

23    ~~(b) With respect to an applicant for a license as a land~~  
24    ~~surveyor, the board shall count one year of postsecondary~~  
25    ~~education in land surveying as one year of experience in~~  
26    ~~land surveying up to a maximum of four years, provided~~  
27    ~~the applicant has graduated from the course in land~~  
28    ~~surveying and the curriculum in land surveying is~~  
29    ~~approved by the board or is accredited by a regional or~~  
30    ~~national accrediting agency recognized for the purpose~~  
31    ~~by the United States Office of Education. Each year of~~  
32    ~~study in an approved or an accredited course in land~~  
33    ~~surveying without graduation shall be counted the same~~  
34    ~~as one-half year of experience.~~

35    ~~Each applicant claiming equivalent credit for~~  
36    ~~education may be required to produce a complete~~  
37    ~~transcript of all college level courses completed.~~

38    ~~Until January 1, 2000, the board may, at its discretion,~~  
39    ~~confer credit as experience in land surveying, not in~~

~~excess of two years, for successfully passing the first division of the examination prescribed in Section 8741.~~

SEC. 2. Section 8761 of the Business and Professions Code is amended to read:

8761. Any licensed land surveyor or registered civil engineer may practice land surveying and prepare maps, plats, reports, descriptions, or other documentary evidence in connection ~~therewith~~ with that practice. All maps, plats, reports, descriptions, or other documents issued by the licensed land surveyor or registered civil engineer shall be signed by the surveyor or engineer to indicate the surveyor's or engineer's responsibility for them. In addition to the signature, the map, plat, report, description, or other document shall bear the seal or stamp of the licensee or registrant and the expiration date of the license or registration. If the map, plat, report, description, or other document has multiple pages or sheets, the signature, seal or stamp, and expiration date of the license or registration need only appear on the originals of the map or plat and on the title sheet of the report, description, or other document.

~~Every map or plat issued by a licensed land surveyor or registered civil engineer shall show the bearing and length of lines, scale of map and north arrow, the name and legal designation of the property depicted, and the date or time period of the preparation of the map or plat.~~

It is unlawful for any person to sign, stamp, seal, or approve any map, plat, report, description, or other document unless the person is authorized to practice land surveying.

SEC. 3. Section 8762 of the Business and Professions Code is amended to read:

8762. After making a field survey in conformity with the practice of land surveying, the surveyor or civil engineer may file with the county surveyor in the county in which the survey was made, a record of the survey.

After making a field survey in conformity with the practice of land surveying, the licensed land surveyor or registered civil engineer shall file with the county surveyor in the county in which the field survey was made

1 a record of the survey relating to land boundaries or  
2 property lines, if the field survey discloses any of the  
3 following:

4 (a) Material evidence or physical change, which in  
5 whole or in part does not appear on any subdivision map,  
6 official map, or record of survey previously recorded or  
7 properly filed in the office of the county recorder or  
8 county surveying department, or map or survey record  
9 maintained by the Bureau of Land Management of the  
10 United States.

11 (b) A material discrepancy with the information  
12 contained in any subdivision map, official map, or record  
13 of survey previously recorded or filed in the office of the  
14 county recorder or the county surveying department, or  
15 any map or survey record maintained by the Bureau of  
16 Land Management of the United States. For purposes of  
17 this subdivision, a “material discrepancy” is limited to a  
18 material discrepancy in the position of points or lines, or  
19 in dimensions.

20 (c) Evidence that, by reasonable analysis, might result  
21 in materially alternate positions of lines or points, shown  
22 on any subdivision map, official map, or record of survey  
23 previously recorded or filed in the office of the county  
24 recorder or the county surveying department, or any  
25 map or survey record maintained by the Bureau of Land  
26 Management of the United States.

27 (d) The establishment of one or more points or lines  
28 not shown on any subdivision map, official map, or record  
29 of survey, the positions of which are not ascertainable  
30 from an inspection of the subdivision map, official map,  
31 or record of survey.

32 (e) The points or lines set during the performance of  
33 a field survey of any parcel described in any deed or other  
34 instrument of title recorded in the county recorder’s  
35 office are not shown on any subdivision map, official map,  
36 or record of survey.

37 The record of survey required to be filed pursuant to  
38 this section shall be filed within 90 days after the setting  
39 of boundary monuments during the performance of a



1 field survey or within 90 days after completion of a field  
2 survey, whichever occurs first.

3 If the 90-day time limit contained in this section cannot  
4 be complied with for reasons beyond the control of the  
5 licensed land surveyor or registered civil engineer, the  
6 90-day time period shall be extended until—such time as  
7 *the time at which* the reasons for delay are eliminated. If  
8 the licensed land surveyor or registered civil engineer  
9 cannot comply with the 90-day time limit, he or she shall,  
10 prior to the expiration of the 90-day time limit, provide  
11 the county surveyor with a letter stating that he or she is  
12 unable to comply. The letter shall provide an estimate of  
13 the date for completion of the record of survey, the  
14 reasons for the delay, and a general statement as to the  
15 location of the survey, including the assessor's parcel  
16 number or numbers.

17 The licensed land surveyor or registered civil engineer  
18 shall not initially be required to provide specific details of  
19 the survey. However, if other surveys at the same location  
20 are performed by others which may affect or be affected  
21 by the survey, the licensed land surveyor or registered  
22 civil engineer shall then provide information requested  
23 by the county surveyor without unreasonable delay.

24 Any record of survey filed with the county surveyor  
25 shall, after being examined by him or her, be filed with  
26 the county recorder. The county recorder shall provide  
27 the preparer of the map with the filing data within 10 days  
28 of the filing of the map.

29 ~~SEC. 4. Section 8765 of the Business and Professions~~  
30 ~~Code is amended to read:~~

31 ~~8765. A record of survey is not required of any survey:~~

32 ~~(a) When it has been made by a public officer in his or~~  
33 ~~her official capacity and a reproducible copy thereof,~~  
34 ~~showing all data required by Section 8764, except the~~  
35 ~~recorder's statement, has been filed with the county~~  
36 ~~surveyor of the county in which the land is located. Any~~  
37 ~~map so filed shall be indexed and kept available for public~~  
38 ~~inspection.~~

39 ~~(b) Made by the United States Bureau of Land~~  
40 ~~Management.~~

~~(c) When a map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.~~

~~(d) When the survey is a retracement of lines shown on a properly filed subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a “material discrepancy” is limited to a material discrepancy in the position of points or lines, or in dimensions.~~

~~(e) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code.~~

*SEC. 4. Section 8771 of the Business and Professions Code is amended to read:*

8771. (a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to



perpetuate their location *if any monument could be destroyed, damaged, covered, or otherwise obliterated*, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(c) The decision to file a corner record or a record of survey shall be at the election of the licensed land surveyor or registered engineer submitting the document.

SEC. 5. Section 8773.2 of the Business and Professions Code is amended to read:

8773.2. (a) A “corner record” submitted to the county surveyor or engineer shall be examined by him or her for compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1, and 8773.4, endorsed with a statement of his or her examination, and filed with the county surveyor or returned to the submitting party within 20 working days after receipt.

(b) In the event the submitted “corner record” fails to comply with the examination criteria of subdivision (a), the county surveyor or engineer shall return it to the person who submitted it together with a written

1 statement of the changes necessary to make it conform to  
2 the requirements of subdivision (a). The licensed land  
3 surveyor or registered civil engineer submitting the  
4 corner record may then make the changes in compliance  
5 with subdivision (a) and resubmit the corner record for  
6 filing. The county surveyor or engineer shall file the  
7 corner record within 10 working days after receipt of the  
8 resubmission.

9 (c) If the matters appearing on the corner record  
10 cannot be agreed upon by the licensed land surveyor or  
11 the registered civil engineer and the county surveyor  
12 within 10 working days after the licensed land surveyor  
13 or registered civil engineer resubmits and requests the  
14 corner record be filed without further change, an  
15 explanation of the differences shall be noted on the  
16 corner record and it shall be submitted to and filed by the  
17 county surveyor. When the county surveyor places an  
18 explanatory note on a corner record, the county surveyor  
19 shall transmit a copy of the filed corner record within 10  
20 working days of the filing to the licensed land surveyor or  
21 registered civil engineer who submitted the corner  
22 record.

23 (d) The corner record filed with the county surveyor  
24 of any county shall be securely fastened by him or her into  
25 a suitable book provided for that purpose.

26 (e) A charge for examining, indexing, and filing the  
27 corner record may be collected by the county surveyor,  
28 not to exceed the amount required for the recording of  
29 a deed.

30 (f) The county surveyor shall provide the preparer of  
31 the corner record with the filing data within 10 days of  
32 final filing.

33 SEC. 6. Section 66466 of the Government Code is  
34 amended to read:

35 66466. (a) The county recorder shall have not more  
36 than 10 days within which to examine a final or parcel  
37 map and either accept or reject it for filing.

38 (b) If the county recorder rejects a final or parcel map  
39 for filing, the county recorder shall, within 10 days  
40 thereafter, mail notice to the subdivider and the city

1 engineer if the map is within a city, or the county  
 2 surveyor if the map is within the unincorporated area,  
 3 that the map has been rejected for filing, giving the  
 4 reasons therefor, and that the map is being returned to  
 5 the city clerk if the map is within a city, or to the clerk of  
 6 the board if the map is within the unincorporated area,  
 7 for action by the legislative body. Upon receipt of the  
 8 map, the clerk shall place the map on the agenda of the  
 9 next regular meeting of the legislative body and the  
 10 legislative body shall, within 15 days thereafter, rescind its  
 11 approval of the map and return the map to the subdivider  
 12 unless the subdivider presents evidence that the basis for  
 13 the rejection by the county recorder has been removed.  
 14 The subdivider may consent to a continuance of the  
 15 matter; however, the prior approval of the legislative  
 16 body shall be deemed rescinded during any period of  
 17 continuance. If a map is returned to the county recorder,  
 18 the county recorder shall have a new 10-day period to  
 19 examine the map and either accept or reject it for filing.

20 (c) If the county recorder accepts the map for filing,  
 21 the acceptance shall be certified on the face thereof. The  
 22 map shall be securely fastened in a book of subdivision  
 23 maps, in a book of parcel maps, or in a book of cities and  
 24 towns which shall be kept for that purpose, or in any other  
 25 manner as will assure that the maps will be kept together.  
 26 The map shall become a part of the official records of the  
 27 county recorder upon its acceptance by the county  
 28 recorder for filing. The county recorder shall provide the  
 29 preparer of the map with the filing data within 10 days of  
 30 the filing of the map.

31 (d) The fee for filing and indexing the map is as  
 32 prescribed in Section 27372 of the Government Code.

33 (e) The original map shall be stored for safekeeping in  
 34 a reproducible condition. The county recorder may  
 35 maintain for public reference a set of counter maps that  
 36 are prints of the original maps and produce the original  
 37 maps for comparison upon demand.

38 (f) Upon the filing of any map, including amended  
 39 maps and certificates of correction for recordation  
 40 pursuant to this section or any record of survey pursuant

1 to the Professional Land Surveyors' Act (Chapter 15  
2 (commencing with Section 8700) of Division 3 of the  
3 Business and Professions Code), the surveyor or engineer  
4 who prepared the document shall transmit a copy of the  
5 document, including all recording information, to the  
6 county surveyor, who shall maintain an index, by  
7 geographic location, of the documents. The county  
8 surveyor may charge a fee not to exceed the fee charged  
9 for recording the document, for purposes of financing the  
10 costs of maintaining the index of the documents.

11 The requirements of this subdivision shall not apply to  
12 any county—~~which~~ *that* requires a document filed  
13 pursuant to this section to be transmitted to the county  
14 surveyor and requires that official to maintain an index of  
15 those documents.

16 SEC. 7. No reimbursement is required by this act  
17 pursuant to Section 6 of Article XIII B of the California  
18 Constitution because a local agency or school district has  
19 the authority to levy service charges, fees, or assessments  
20 sufficient to pay for the program or level of service  
21 mandated by this act, within the meaning of Section 17556  
22 of the Government Code.

